

UNITED STATES DISTRICT COURT

Aug 30, 2019

SEAN F. MCAVOY, CLERK

for

Eastern District of Washington

U.S.A. vs. Alfaro, Steven Ivan Docket No. 0980 1:18CR02070-SAB-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Jose Zepeda, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Steven Ivan Alfaro, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the Court at Yakima, Washington, on the 5th day of April 2019, under the following conditions:

Special Condition #6: Defendant shall submit to portable Breathalyzer testing up to six times per day. Defendant is responsible for the cost of the device.

Special Condition #1: Defendant shall participate in a program of GPS confinement. Defendant shall wear at all times, a GPS device under the supervision of U.S. Probation. Defendant shall be restricted at all times to his residence except for: attorney visits; court appearances; case-related matters; court-ordered obligations; or other activities as pre-approved by the pretrial office or supervising officer, including but not limited to employment, religious services, medical necessities.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #6: Steven Ivan Alfaro is alleged to have failed to report to the probation office to submit to a Breathalyzer test as directed on August 29 and 30, 2019.

On April 9, 2019, the conditions of pretrial release supervision were reviewed and signed by Mr. Alfaro. He acknowledged an understanding of his conditions, which included special condition number 6. On April 23, 2019, confirmation was received from Smart Start indicating the defendant enrolled in their Breathalyzer testing program.

On August 26, 2019, this officer received a notice from Smart Start indicating the defendant's device was placed on "lockout" as of August 25, 2019. As a result of this noncompliance, Mr. Alfaro was directed to report to the probation office for Breathalyzer testing on a daily basis until he reactivates his services with Smart Start. On August 28, 2019, Mr. Alfaro was reminded he had been directed to report daily to the probation office for Breathalyzer testing. Mr. Alfaro acknowledged his requirement and agreed to report as directed. Mr. Alfaro failed to report for Breathalyzer testing on August 29, 2019, as directed. On August 29, 2019, Mr. Alfaro was again confronted on his failure to report for Breathalyzer testing. He again acknowledged his failure to comply. He was directed to report to the probation office by noon on August 30, 2019, to submit to a Breathalyzer test. However, he once again failed to report as directed.

Violation #7: Steven Ivan Alfaro is alleged to have failed to comply with his location monitoring program by failing to swap out his battery to his location monitoring device as directed on August 30, 2019. As a result, the device is no longer tracking.

On April 9, 2019, the conditions of pretrial release supervision were reviewed and signed by Mr. Alfaro. He acknowledged an understanding of his conditions, which included special condition number 1. On April 9, 2019, Mr. Alfaro also reviewed and signed the Location Monitoring Program GPS Participant Agreement acknowledging his understanding of the program.

On August 29, 2019, Mr. Alfaro requested permission to change residences due to his aunt, with whom he was residing, being evicted from her residence. This officer met Mr. Alfaro at his brother's residence this same date at 5 p.m. to complete the home inspection. Upon arrival, Mr. Alfaro reported he would not be able to stay with his brother because he was not allowed to by the Yakama Nation Housing Authority. Mr. Alfaro reported he spoke with his girlfriend's family and stated he would be allowed to stay with them. He provided an address of 5464 McDonald Road in Wapato, Washington. Mr. Alfaro was allowed to move to this location and advised a home inspection would be conducted the following day. Mr.

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Alfaro was directed to take his location monitoring beacon/battery charger with him to his new location. Later that evening, this officer reviewed the location monitoring events and found the beacon showed no movement since being at his brother's residence. At 10:20 p.m. this officer sent Mr. Alfaro a message "to call officer now" through the BI messaging tool. Mr. Alfaro acknowledged the message but failed to call this officer. At 10:25 p.m. a second message was sent to Mr. Alfaro again directing him to contact this officer. Mr. Alfaro again acknowledged the message but failed to call this officer as directed. On August 30, 2019, at 1:11 a.m. BI sent Mr. Alfaro a message advising him the tracker battery was low. Mr. Alfaro acknowledged the message but failed to replace his battery on his transmitter. This officer made an attempt to contact Mr. Alfaro at his last reported telephone number, but the call went directly to a messaging system. As a result, Mr. Alfaro's transmitter stopped reporting as of 4:15 a.m. and has not been tracking since.

On August 30, 2019, the undersigned officer reviewed alerts and events in the BI Total Access System (BI). Events indicated Mr. Alfaro last inserted a fully charged battery in his transmitter on August 29, 2019, at 1:08 a.m. Mr. Alfaro had been instructed to replace the battery in the transmitter twice daily. Mr. Alfaro failed to do so and as a result, the transmitter failed to respond as of August 30, 2019, at 4:15 a.m. and is no longer tracking.

PRAYING THAT THE COURT WILL ORDER A WARRANT AND INCORPORATE THESE VIOLATIONS WITH VIOLATIONS PREVIOUSLY REPORTED TO THE COURT ON AUGUST 29, 2019

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: August 30, 2019

by s/Jose Zepeda

Jose Zepeda
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

 

Signature of Judicial Officer

8/30/2019

Date